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22 UNITED STATES DISTRICT COURT  
23  
24 CENTRAL DISTRICT OF CALIFORNIA

25 IN RE NEW CENTURY

26 } Consolid. Case No. 2:07-cv-00931-DDP  
27 } (FMOx)

28 } Hon. Fernando M. Olguin

**DISCOVERY MATTER**

[PROPOSED] ORDER GRANTING  
KPMG LLP'S MOTION TO COMPEL  
THE PRODUCTION OF DOCUMENTS  
FROM LEAD PLAINTIFF NEW YORK  
STATE TEACHERS' RETIREMENT  
SYSTEM AND PLAINTIFFS CARL  
LARSON AND CHARLES HOOTEN

1 The Court, having reviewed and considered the Joint Stipulation  
2 Regarding KPMG LLP's ("KPMG") Motion to Compel the Production of Documents  
3 From Lead Plaintiff New York State Teachers' Retirement System and Plaintiffs Carl  
4 Larson and Charles Hooten (collectively "Plaintiffs"), and all declarations and  
5 arguments relating thereto, hereby grants KPMG's motion.

6 NYSTRS shall produce to KPMG (1) all minutes of NYSTRS's Board of  
7 Trustee meetings from January 1, 2005 to the present, including any and all  
8 documents that were provided to NYSTRS's Board of Trustees in connection with  
9 such meetings and/or memorialize all or part of a Board of Trustees meeting; (2) all  
10 documents that refer or relate to any policy, practice, procedure and/or strategy  
11 relating to the "Mortgage pass-through certificates" and the "Collateralized Mortgage  
12 Obligations" described in the "Notes to Financial Statements" section of NYSTRS's  
13 annual financial report for the fiscal years ended June 30, 2006 and June 30, 2007; (3)  
14 all documents that refer or relate to NYSTRS's investment strategy and/or policy  
15 relating to investments made pursuant to the "Leeway Clause" of Section 177, as  
16 quoted in the "Deposit and Investment Risk Disclosure" section of NYSTRS's annual  
17 financial reports for the fiscal years ended June 30, 2006 and June 30, 2007; (4) all  
18 documents from January 1, 2005 to the present that refer or relate to mortgage  
19 investments that were acquired under the Leeway Clause, as discussed in the "Real  
20 Estate and Mortgages" section of the "Notes to Financial Statements" in NYSTRS's  
21 annual financial report for the fiscal years ended June 30, 2006 and June 30, 2007; (5)  
22 all documents from January 1, 2005 to the present created by or received from, either  
23 directly or indirectly, and/or all communications with, NYSTRS's Investment  
24 Advisory Committee, Real Estate Advisory Committee, and REIT Real Estate  
25 Advisors; (6) all documents, including but not limited to, notes, minutes, and/or  
26 agendas, from January 1, 2005 to the present that refer or relate to any meeting of  
27 NYSTRS's Investment Advisory Committee, Real Estate Advisory Committee, and  
28 REIT Real Estate Advisors, including any and all documents that were provided to

1 these committees and advisors in advance of or at such meetings; (7) all documents  
2 from January 1, 2005 to the present that support Plaintiffs' claims and/or defenses in  
3 this action; (8) all documents that refer or relate to Plaintiffs' contentions in  
4 paragraphs 49, 50, 51, 53, 538, 539, and 540 of the Complaint; (9) all documents  
5 Plaintiffs and their counsel received from any current and/or former New Century  
6 shareholder concerning New Century; and (10) all documents Plaintiffs and their  
7 counsel received from, either directly or indirectly, any other Plaintiff and/or putative  
8 class member in this action.

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10 IT IS SO ORDERED.

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12 DATED: \_\_\_\_\_, 2009

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15 Honorable Fernando M. Olguin  
16 United States Magistrate Judge  
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